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December 5, 2023

United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Attention: Hon. Jesse M. Furman

RE: Eliana Ramos v Frank Benenati

Docket No: 1:23-cv-09171-JMF

Date of Loss: 3/24/2023

Initial Conference Scheduled for: December 12, 2023 at 9 a.m. telephonically

Dear Hon. Furman:

This office represents defendant Frank Benenati in the above stated action. Opposing counsel and I have conferred and hereby submit the following Civil Case Management Plan and Scheduling Order in accordance with the court's directives:

1. All parties do not consent to a magistrate at the present time;
2. The parties have conferred pursuant to FRCP 26(f);
3. Settlement discussions have taken place.
4. The following shall be disclosed by December 26, 2023:
 - a) Insurance information;
 - b) Witness information, if any;
 - c) Photographs/videos, if any;
 - d) Adverse party statements, if any;
5. Any motion to amend or to joint additional parties shall be filed not later than January 12, 2024;
6. Initial Disclosures pursuant to FRCP 26(a)(1) shall be completed by December 26, 2023;

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7. The plaintiff shall provide HIPPA authorizations for medical records by December 26, 2023;
8. (a) Discovery will be conducted in accordance with the FRCP and the local rules of the SDNY;
(b) All fact discovery shall be completed not later than April 12, 2024;
(c) The parties agree that expert discovery may be needed;
(d) All expert discovery shall be completed no later than May 27, 2024.
9. Initial requests for production of documents shall be served by January 12, 2024.
17. The case is to be tried by a jury;
18. The best estimate for the trial length is 3 to 6 days;

The parties believe that a pre-trial conference may not be necessary if the above schedule is approved by the court.

There are no existing deadlines, due dates or cut off dates as the Initial Conference has yet to be held.

There are no outstanding motions.

Discovery has yet to begin as the Initial Conference has yet to be held.

Settlement discussions have occurred between plaintiff's counsel and State Farm Insurance Company (the insurance carrier for the defendant). The parties believe that mediation or arbitration may prove prudent at a later date once all discovery has been completed.

The length of trial is estimated to be 3-6 days and a jury trial is to be had.

The plaintiff anticipates filing a liability motion for summary judgment and the defense anticipates the possible filing of a threshold motion for summary judgment on the issue of "serious injury".

Thank you.

Very truly yours,

DocuSigned by:

Shawn P. O'Shaughnessy

Shawn P. O'Shaughnessy, Esq. (SO-6081)

SPO:sid